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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/582,412

05/30/2008

Victoria A. Wofford

21528.0127

1096

64304 7590 07/08/2010

STRASBURGER & PRICE, LLP

ATTN: IP SECTION

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EXAMINER

JOSEPH, TONYA S

ART UNIT

PAPER NUMBER

3628

MAIL DATE

DELIVERY MODE

07/08/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/582,412	Applicant(s) WOFFORD ET AL.	
	Examiner TONYA JOSEPH	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 27-42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-42 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 May 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

- I. Claims 1-26, drawn to corporate travel reporting, classified in class 705, subclass 5.
- II. Claims 27-42, drawn to electronic exchanges, classified in class 705, subclass 5.

The groups of inventions listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Vance et al, U.S. Pre-Grant Publication No. teaches a corporate travel information system which aggregates travel data in to a common format for interested parties (see para. 59 and 82)

During a telephone conversation with David Ostfeld on June 30th a provisional election was made with traverse to prosecute the invention I, claims 1-26. Affirmation of this election must be made by applicant in replying to this Office action. Claims 27-42 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in

the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

3. Claims 1-26 are directed to a "method" and therefore are considered process claims for the purposes of § 101. A claimed process is eligible for patent protection under 35 U.S.C. § 101 if:

"(1) it is tied to a particular machine or apparatus, or (2) it transforms a particular article into a different state or thing. See Benson, 409 U.S. at 70 ('Transformation and reduction of an article 'to a different state or thing' is the clue to the patentability of a process claim that does not include particular machines.');

Diehr, 450 U.S. at 192 (holding that use of mathematical formula in process 'transforming or reducing an article to a different state or thing' constitutes patent-eligible subject matter); see also Flook, 437 U.S. at 589 n.9 ('An argument can be made [that the Supreme] Court has only recognized a process as within the statutory definition when it either was tied to a particular apparatus or operated to change materials to a 'different state or thing' '); Cochrane v. Deener, 94 U.S. 780, 788 (1876) ('A process is...an act, or a series of acts, performed upon the subject-matter to be transformed and reduced to a different state or thing.').⁷ A claimed process involving a fundamental principle that uses a particular

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machine or apparatus would not pre-empt uses of the principle that do not also use the specified machine or apparatus in the manner claimed. And a claimed process that transforms a particular article to a specified different state or thing by applying a fundamental principle would not pre-empt the use of the principle to transform any other article, to transform the same article but in a manner not covered by the claim, or to do anything other than transform the specified article.” (*In re Bilski*, 88 USPQ2d 1385, 1391 (*Fed. Cir.* 2008)) Claims 1-26 identify neither the apparatus performing the recited steps nor any transformation of underlying materials, and accordingly are directed to non-statutory subject matter.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 2, 10-11, 13 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 2 recites the limitation, “having the suppliers operate with different travel and protocols...” the plain meaning of the limitation is unclear. For Examination purposes, the Examiner is interpreting having suppliers as meeting the limitations of the claim.

7. Claim 10 recites the limitation, “wherein said consolidating is done in real time, ‘real time’ meaning ‘as the transaction occurs.’ ” The claim is generally narrative and

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indefinite, containing idiomatic errors and failing to conform with current U.S. practice.

Appropriate Correction is required.

8. The term "easily manipulated" in claim 13 is a relative term which renders the claim indefinite. The term "easily manipulated" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. For Examination, purposes, the Examiner is interpreting any type of manipulation as meeting the limitations of the claim.

9. Claim 17 recites the limitation "the travel budget planning" in lines 1. There is insufficient antecedent basis for this limitation in the claim.

10. Dependent claims inherit the same deficiencies through dependency and as such, are rejected for the same reasons.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Vance et al. U.S. Pre-Grant Publication No. 2006/0212321 A1.

13. As per Claim 1, Vance teaches consolidating the data from the sources (see para. 77); and

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supplying consolidated data relevant to at least some of the travelers, management and suppliers of the at least one of the business units (see para. 59);

said supplying of data including supplying analysis of travel spending (see para. 59).

14. As per Claim 2, Vance teaches the method of claim 1 as described above. Vance further teaches having the suppliers operate with different travel and protocols wherein said consolidating and supplying occurs substantially simultaneously (see para. 14 and 16).

15. As per Claim 3, Vance teaches the method of claim 1 as described above. Vance further teaches wherein said supplying further includes data for travel issues (see para. 82).

16. As per Claim 4, Vance teaches the method of claim 1 as described above. Vance further teaches wherein said supplying further includes data for contract/audit issues (see para. 82).

17. As per Claim 5, Vance teaches the method of claim 1 as described above. Vance further teaches wherein consolidating from the sources include from one or more corporate card providers, travel agency service providers, and ancillary travel service providers (see para. 14, 16 and 37).

18. As per Claim 6, Vance teaches the method of claim 5 as described above. Vance further teaches wherein service providers include travel agency booking offices (see para. 37).

19. As per Claim 7, Vance teaches the method of claim 5 as described above. Vance further teaches wherein corporate card providers include corporate card data

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sources. Because corporate card providers are recited in the alternative in claim 5 above, the limitations of the claim have been met by para. 14, 16 and 37.

20. As per Claim 8, Vance teaches the method of claim 5 as described above. Vance further teaches wherein service providers include online booking sources (see para. 37).

21. As per Claim 9, Vance teaches the method of claim 5 as described above. Vance further teaches wherein ancillary travel services include at least one of ground transportation services, security specialists, and travel benchmarking information. Because ancillary travel services are recited in the alternative in claim 5 above, the limitations of the claim have been met by para. 14, 16 and 37.

22. As per Claim 10, Vance teaches the method of claim 1 as described above. Vance further teaches wherein said consolidating is done in real time, "real time" meaning "as the transaction occurs." (see para. 62).

23. As per Claim 11, Vance teaches the method of claim 10 as described above. Vance further teaches wherein said supplying occurs on a real time basis (see para. 14, 16 and 62).

24. As per Claim 12, Vance teaches the method of claim 1 as described above. Vance further teaches wherein said supplying is performed through a display available to at least one of the business units (see Fig. 15E).

25. As per Claim 13, Vance teaches the method of claim 1 as described above. Vance further teaches wherein said supplying through a display is in easily manipulated formats (see Fig. 15E).

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26. As per Claim 14, Vance teaches the method of claim 1 as described above.

Vance further teaches wherein said supplying of consolidated data indicates the travelers who have deviated from the policy of the business unit (see para. 81).

27. As per Claim 15, Vance teaches the method of claim 1 as described above.

Vance further teaches wherein said supplying of consolidated data highlights pricing errors (see para. 81).

28. As per Claim 16, Vance teaches the method of claim 1 as described above.

Vance further teaches wherein said supplying of consolidated data indicates any traveler who has deviated from the planned itinerary of the traveler (see para. 80-82).

29. As per Claim 17, Vance teaches the method of claim 1 as described above.

Vance further teaches wherein said supplying of consolidated data automates the travel budget planning (see para. 16 and 18).

30. As per Claim 18, Vance teaches the method of claim 17 as described above.

Vance further teaches wherein said supplying of consolidated data identifies at least one of new destinations, pretravel approvals, policy exceptions of all travelers, real time tracking of expenditures, requirements for supplier contracts and analysis relative to the current travel, performance measurement, and individual information of a specific traveler (see para. 80 and Fig. 13).

31. As per Claim 19, Vance teaches the method of claim 1 as described above.

Vance further teaches wherein said supplying is performed through one or more computer networks formed by at least one business unit and at least some of the travelers, management and suppliers (see para. 35-37).

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32. As per Claim 20, Vance teaches the method of claim 1 as described above.

Vance further teaches wherein said step of supplying includes the step of sorting the data (see para. 53).

33. As per Claim 21, Vance teaches the method of claim 20 as described above.

Vance further teaches wherein said step of supplying includes the step of aggregating the data (see para. 55-56)

34. As per Claim 22, Vance teaches the method of claim 1 as described above.

Vance further teaches wherein said step of supplying of the data includes determining rights to the data (see para. 48)

35. As per Claim 23, Vance teaches the method of claim 1 as described above.

Vance further teaches wherein there is included the step of calculating real time metrics from the data (see para. 56).

36. As per Claim 24, Vance teaches the method of claim 1 as described above.

Vance further teaches wherein there is further included the step of initiating transactions (see para. 47).

37. As per Claim 25, Vance teaches the method of claim 24 as described above.

Vance further teaches wherein said initiating of transactions originates from a display unit used for said step of supplying consolidated data (see para. 61).

38. As per Claim 26, Vance teaches the method of claim 1 as described above.

Vance further teaches wherein the suppliers include at least one of any GDSs, travel agencies, credit card companies, and alternate travel data sources (see para. 37).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TONYA JOSEPH whose telephone number is (571)270-1361. The examiner can normally be reached on Mon-Fri, 7:30 am-5:00pm First Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571 272 0847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Shannon S Saliard/
Primary Examiner, Art Unit 3628